

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**

**JOHN M. M. CALDWELL, PRESIDENT, PRESIDING**

**February 18, 1997**

**A. CALL TO ORDER**

The February 18, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

James A. Riley, the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Jessie Medlin-----District 1  
Eugene C. Thach-----District 2  
James D. Pearson-----District 3  
John Caldwell-----District 4  
Tommy Lewis-----District 5  
W. E. "Sluggo" Davis-----Chancery Clerk  
James Albert Riley-----Sheriff  
Clovis Reed-----County Administrator  
William H. Austin, Jr.-----Board Attorney

**B. INVOCATION**

The invocation was presented by County Administrator Clovis Reed.

**C. MERRITT POWELL - FOX CREEK APPROVAL**

Merritt Powell of the DeSoto County Planning Commission presented a request for final approval of Fox Creek Subdivision, Section B. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve Fox Creek Subdivision, Section B. The **motion passed** with a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**1. Request to Subdivide 3 Lots on Bethel Road**

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to hold over a request from William C. Thompson to subdivide

**Item C.1., continued,**

three lots on Bethel Road until March 10, 1997. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**D. SHERIFF JAMES RILEY**

**1. Curfew Ordinance**

Sheriff James Riley appeared before the Board of Supervisors to request approval of the Curfew Ordinance presented to the Board earlier. Sheriff Riley explained that the ordinance blends in with other city ordinances that are already in place. Supervisor Tommy Lewis asked about cases where teens may leave at 4:00 a.m. to go hunting. Sheriff Riley said that officers would use common sense to enforce the ordinance, and such cases would be apparant to the officer. County Administrator Clovis Reed asked if statistics had been kept on youth crime and that such information would be useful to justify the need for the implementation of the Curfew Ordinance.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the curfew ordinance as presented by the Sheriff effective April 5, 1997. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**SEE EXHIBIT D.1.**

**2. Sale of Helicopter and Transponder**

Pete Mathison of the DeSoto County Sheriff's Department's Aviation Unit appeared before the Board requesting that the Sheriff's Department be authorized to sell a helicopter and transponder and put the money made from the sale back in the program by purchasing a search light to use on the larger helicopter used in the Sheriff's Department. Deputy Mathison also asked for authorization to make a sole source purchase for the search light, as only one company makes a search light in the size needed by the Sheriff's Department. The Board said that the sole source purchase would be authorized if appropriate requirements were made to purchase the light in accordance with State laws.

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to declare the helicopter and transponder to be surplus property and advertise for sale of same. The **motion passed** by a unanimous vote.  
**SEE EXHIBIT D.2.**

**E. ADMINISTRATION BUILDING REVIEW COMMITTEE REPORT**

Barry Yoakum, Vice President of Allen & Hoshall, Engineers/Architects, David Nicholson, of Allen & Hoshall, and Erland Nichols, Chairman of the Administrative Building Committee appeared before the Board of Supervisors to make the Board aware that their studies have shown that it is more cost effective to put an Administrative Building on the McIngvale property and renovate the Courthouse for use as a Judiciary complex. The group also explained to the Board of Supervisors that the Courthouse renovation will not cost as much as originally thought, but because the project has been studied for the last two years, buildings materials increases will mandate the savings be used in the new facility. The Administrative Building representatives said that surveys are complete and that soil borings are being done now. Mr. Nichols said that the Committee appreciated being allowed the opportunity to look at various options and that they have decided that certain county operations can be housed in remote locations already owned by the county. Mr. Nichols said the Committee recommends proceeding with the Administration Building on the McIngvale property and also recommends renovating the Courthouse to be used as a Judicial facility on the second floor with offices on the first floor.

Supervisor John Caldwell asked why the building must be located close to the Courthouse. Mr. Erland Nichols answered that people perceive handling such business in or near the courthouse. Barry Yoakum said that six different sites were discussed, and the Committee decided the McIngvale site was best suited for the new facility. Supervisor John Caldwell said the plan does not include the parking issue. This issue was discussed at length. Supervisor Eugene Thach said the number of people coming to the Courthouse for other than court needs should be determined.

Future traffic needs that the location of the new building will likely cause were discussed, with several options to handle this problem.

County Administrator Clovis Reed said that the Committee had expressed a desire for assurance that the project will be completed, including the Courthouse renovation, as that is an integral part of the overall plan. Mr. Reed also notified that Board that the bonds could be done in a series method to avoid borrowing the money before it is needed.

Mr. Erland Nichols added that, in order to use the space in the Courthouse wisely, a plan should be implemented almost from the beginning for the use of the space in the Courthouse.

Supervisor Eugene Thach said he would like the Committee to continue to interface with Allen & Hoshall. Mr. Nichols asked that the Board of Supervisors consider allowing Allen & Hoshall to hire someone to oversee the project, as tough decisions will have to be made sometime during the implementation of the project.

Supervisor Tommy Lewis said he would like the Board to make a decision of whether or not to commit to the project as soon as possible to avoid unnecessary time being spent on the issue if the Board decides not to continue with the project.

Hernando's Mayor Ed Gale said the City will work with the County on the project.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to take the recommendation of the Administrative Building Committee under advisement until April 7, 1997. The **motion passed** by a unanimous vote.

#### **Item E., Continued,**

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded

the motion for the Administrative Building Committee to continue on this project and to appoint Supervisor Tommy Lewis and Supervisor John Caldwell as a sub-committee for the project. The **motion passed** by a unanimous vote.

**SEE EXHIBIT E.**

**F. LINDA ALDRIDGE - JUSTICE COURT**

Justice Court Administrator Linda Aldridge appeared before the Board of Supervisors and explained that Justice Court has been short a person for 30 days. Ms. Aldridge asked for the Board's assistance to expedite the hiring process. The Board asked the Director of Personnel/ Purchasing to review the applicants so the position can be replaced as soon as possible.

**G. ED SPENCER**

**1. Justice Court**

Ed Spencer, the Director of Operations and Maintenance, reported to the Board of Supervisors that he has met with the contractor, architect, and others this morning to discuss whether the County should complete the work or whether the contractor should pick up with the work on the Justice Court Building. Mr. Spencer explained that the number of inmates planned for the job, never happened, and that some of the inmates working on the project have been taken through transfers or release. Supervisor Eugene Thach suggested Mr. Spencer hire the inmate that was released.

Mr. Spencer reported that gas heat will most likely be used in the building as it is more cost efficient. Mr. Spencer said the job is 50% complete. Ed Spencer notified the Board of Supervisors that certain building conditions have mandated a change order be implemented as explained the Exhibit G.1. and that more studs will have to be added.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to accept the change order as presented for the Justice Court Renovation Project. The **motion passed** by a unanimous vote. **SEE EXHIBIT G.1.**

**2. Report on Buildings and Grounds**

Ed Spencer, Director of Operations and Maintenance, notified the Board of Supervisors that the Courthouse roof is 95% complete. Mr. Spencer said he has made a list of damages caused by the roofers. The County Administrator, Clovis Reed, said the sprinkler system should be tested for damage also.

**3. Heating Unit for Maxwell Building**

Ed Spencer, Director of Operations and Maintenance said that, according to T. R. Reynolds of Buildings and Grounds, there is no provision for gas heat in the Maxwell Building, and that enhancements such as new duct work would likely making converting to gas a more expensive option. The Board of Supervisors instructed Ed Spencer to get a bid to convert the building to gas.

**Item G.3., Continued,**

Supervisor Jessie Medlin asked Ed Spencer to run the bid by Supervisor Lewis as he is familiar with that sort of work.

#### **4. Cleanup Date**

Supervisor John Caldwell instructed Ed Spencer, Director of Operations and Maintenance to schedule and recommend a clean up date for the County.

#### **5. Other Issues**

##### **a. BFI Host Fees**

Ed Spencer, Director of Operations and Maintenance presented the Host Fee Report to the Board of Supervisors and notified that Board that rather than spending in excess of \$300,000.00 annually, the county is bringing in money from host fees. **SEE EXHIBIT G.5.a.**

### **H. OLD BUSINESS**

#### **1. Appointments - Including Appointment to Summershill Fire Protection District**

Supervisor Tommy Lewis made the motion the Supervisor Eugene Thach seconded the motion to appoint Eddie McNabb to the Lewisburg Fire Protection District for a five year term. The **motion passed** by a unanimous vote. **SEE EXHIBIT H.1., Page 1.**

The Board agreed to hold over the appointment to the Summershill Fire Protection District. **SEE EXHIBIT H.1., Page 2.**

#### **2. Report from Committee to Review Phillips Road**

This item was held over to allow the Committee to locate and inspect Phillips Road.

#### **3. Approval of Interlocal Agreement with Olive Branch for Work on Stateline Road**

Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to approve the interlocal agreement with Olive Branch for work on Stateline Road, which includes right of ways and appraisal fees. The **motion passed** by a unanimous vote. **See Exhibit H.3.**

#### **4. Four Year Road Plan**

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the Four Year Road Plan as recommended by the Road Manager, and authorize that the 1997 overlay roads listed be advertised for sealed bid as soon as possible, but no later than March 31, 1997, with the exception of Cathy Road, County Line Road and Holly Springs Road which shall be moved

**Item H.4., Continued,**

from the 1997 Road Plan to the 1998 Road Plan and bid the list based on financial considerations and priority of need within the county. The **motion passed** by a unanimous vote. **SEE EXHIBIT H.4.**

Supervisor John Caldwell said the Road Plan should include site visibility plans, and plans for cutting shoulders. The Road Manager, Kenny Gunn agreed to formally plan these jobs as well.

**5. Bids Under Advisement - Annual Bids**

Margaret Stevens, Director of Personnel/Purchasing reviewed each annual bid with the Board of Supervisors. Included in the discussion, Supervisor Tommy Lewis asked how Purchasing could justify using one vendor, rather than using the lowest price per bid for galvanized corrugated metal culverts.

Margaret Stevens and Kenny Gunn explained that the bids were based on truck load quantities and the price is lower for shipping, which figures into the bid.

Kenny Gunn pointed out that the low bidder was cheaper on 22 different pipes and the next lowest bidder was cheaper on only nine pipes. Margaret Stevens explained that the process is in line with State audit requirements.

County Administrator Clovis Reed asked Margaret Stevens if she had compared the one price received from Sayle Oil for oil and transmission fluid to previous prices. Ms. Stevens said no, but she will.

Striping problems were discussed. Supervisor Tommy Lewis said the Road Manager should start using this bidder immediately.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the county bids as presented. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**SEE EXHIBIT H.5.**

**6. Road Inspection Report**

This item was held over to obtain figures.

**I. JUDGE JOHN MCCORMACK - RE: JUSTICE COURT REFORM**

Justice Court Judge John McCormack appeared before the Board of Supervisors and stated that he wants to trim the fat from frivolous government spending. According to Judge McCormack’s presentation, the number of Justice Court Judges is set by the state and paid for by the county. Consequently, DeSoto County is required to have three judges. But as population grows, so does the number of required judges. Judge McCormack feels the current workload of the Justice Court Judges makes them

**Item I., Continued,**

overpaid for the work they do. Judge McCormack has written a court reform package and is seeking the Board of Supervisor’s endorsement of the reform.

Supervisor Tommy Lewis asked what the other judges think about the reform.

Judge McCormack said he thinks the other judges should speak for themselves. Supervisor James Pearson asked if Judge McCormack was trying to avoid adding a fourth judge to the Justice Court System. Judge McCormack said yes that is his objective. Supervisor John Caldwell suggested Judge McCormack be more specific with the request for change. Supervisor Eugene Thach said he would like to hear from other judges. Supervisor Tommy Lewis agreed.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to take the request under advisement until February 24, 1997, to hear from other judges. The **motion passed** by a unanimous vote. **See Exhibit I.**

## **J. BOBBY STOREY - EMS PERSONNEL**

Frank Treadway, DeSoto County Coordinator, Fire Chiefs Association, and Bobby Storey, Eudora EMS Director appeared before the Board of Supervisors to request a secretary. According to Mr. Storey, Helen Breshears has worked as a volunteer and he would like her to work for them, as Ms. Breshears is qualified to work in many areas and she could float to other jobs within the department. Mr. Storey said Ms. Breshears already works for the county. The money to fund the job could be taken from the unused salary for the Coordinator.

This item was held over until February 24, 1997, to allow time to obtain salary information.

### **Other Issues from Bobby Storey and Frank Treadway**

#### **a. Auto Education Request**

Bobby Storey, Eudora EMS Director, requested the use of junk cars for the auto education class he is about to hold. This item was held over to allow Mr. Storey to obtain VIN numbers and verify that Bonnie Gatlin, the Board Secretary, has declared them as junk.

#### **b. FCC Information**

Supervisor John Caldwell notified Frank Treadway that he has FCC information in his office.

#### **c. Request for Additional Funds for Lewisburg Ambulance/Fire Building**

Bobby Storey, Eudora EMS Director, forwarded a request from David Linville, the Lewisburg Fire Chief, for an additional \$8500.00 to reimburse the Lewisburg EMS for the heat and air in the building. The Board of Supervisors discussed the issue and noted the fact that changes had been made to the interior of the building, causing the budget issue, however, Supervisor Tommy Lewis feels that the county could provide some help for the problem.

### **Item J.c., Continued,**

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to take the matter under advisement until February 24, 1997. The **motion passed** by a unanimous vote.

**d. Purchase of Fire Truck**

Supervisor Tommy Lewis said he has talked with David Linville, the Lewisburg Fire Chief, about the purchase of the fire truck as approved by the Board earlier. The County Administrator Clovis Reed said the tax exempt status is the only issue.

Frank Treadway, DeSoto County Fire Coordinator, Fire Chief's Association, said he will provide that information to Clovis Reed, by providing a copy of the tax certificate to him.

**e. Request to Repave Parking Lot at Lewisburg Fire Department**

Supervisor Tommy Lewis reported that he has had a request to repave the parking lot at Lewisburg Fire Department. The parking lot was torn up during renovation. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to repave the parking lot at the Lewisburg Fire Department. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Absent  
Supervisor James Pearson-----Yes  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**See Exhibit J.e.**

**K. NEW BUSINESS**

**1. Request for Assistance in Improving Driveways at Olive Branch Middle School and Horn Lake High School**

The County Administrator presented a letter from Jerry Baird, Superintendent of Education, requesting the county to improve the driveways at Olive Branch Middle School and Horn Lake High School.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the repair of driveways at Olive Branch Middle School and Horn Lake High School as requested in the letter from the Superintendent of Education, Jerry Baird, dated February 18, 1997, with the school paying for the material. The **motion passed** by a unanimous vote. **SEE EXHIBIT K.1.**

**2. Request for Schoolbus Turnarounds**

The DeSoto County Board of Supervisors received three letters dated January 29, February 3, and February 4, 1997, from the DeSoto County Superintendent of Education requesting the county to maintain the properties listed in his letter which are used as school bus turnarounds. A copy of this request is attached and made a part of these minutes by attachment of Exhibit K.2. **SEE EXHIBIT K.2.**

**Item K.2., Continued,**

In accordance with Section 19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be built, maintained and improved, Supervisor John Caldwell made the motion to build, maintain, and improve the properties listed in the Superintendent's letter dated January 29, February 3, and February 4, 1997, and to direct the County Road Manager to carry out this order of this Board forthwith. Supervisor Jessie Medlin seconded the motion. The **motion**



**passed** by a unanimous vote.

### **3. Request of Garden Study Club of Hernando to Use Courthouse**

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to allow the use of the courthouse by the Garden Study Club of Hernando on Friday, April 4 through Sunday, April 6, 1997, as requested by letter dated February 7, 1997, which details the request. The **motion passed** by a unanimous vote. **SEE EXHIBIT K.3.**

### **4. Request to Pay Bills From Chancery Court Clerk and Circuit Court Clerk**

County Administrator Clovis Reed, presented an invoice from the Chancery Court Clerk in the amount of \$750.00 in accordance with Section 25-7-9 of the Mississippi Code Annotated. Supervisor James Pearson made the motion and Supervisor Tommy Lewis seconded the motion to pay the bill as requested. The **motion passed** by a unanimous vote. **SEE EXHIBIT K.4., Page 1.**

The County Administrator, Clovis Reed presented a bid from the Circuit Clerk for the preservation of essential records in the amount of \$500.00 per month. This item was held over. **SEE EXHIBIT K.4., Page 2.**

### **5. CDBG Grant Application - Hacks Cross Road**

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the grant application for the CDBG Grant for Hacks Cross Road. The **motion passed** by a unanimous vote.

### **6. Making Letter Concerning Southaven Nursing Home a Part of the Minutes**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to accept and make a part of the minutes the letter concerning the Southaven Nursing Home. The **motion passed** by a unanimous vote. **SEE EXHIBIT K.6.**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the resolution in connection with the Southaven Nursing Home. The **motion passed** by a unanimous vote.

### **7. Approval to Pay Taylor Realty for Appraisal Service**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve payment of the bill from Taylor Realty & Appraisal Service for their appraisal of land belonging to Timothy, Aaron and Kenneth Melton. The **motion passed** by a unanimous vote. **SEE EXHIBIT K.7.**

**Item K.8., Continued,**

### **8. Funding Request From Civic Center Commission**

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the budgeted grant to the Civic Center Commission in connection with the budget they submitted by the Civic Center Commission. The **motion passed** by a unanimous vote. **See Exhibit K.8.**

## **L. OTHER ITEMS**

### **1. Over 65 Homestead Exemptions**

Chancery Clerk W. E. "Sluggo" Davis presented three homestead exemption forms to the Board seeking approval of these changes. Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the homestead changes as presented by the Chancery Clerk. The **motion passed** by a unanimous vote. **SEE EXHIBIT L.1.**

### **2. Revocation of Homestead Exemptions by the State Tax Commission**

Chancery Clerk W. E. "Sluggo" Davis presented a stack of homestead exemption tax loss allowances issued by the State Tax Commission and requested authorization to give the forms to the Tax Collector to revoke homestead exemptions of those listed, as they have not responded to the letter from the State Tax Commission.

Mr. Davis also presented a small list of homestead exemption tax loss allowances for people that have responded to the letter from the State Tax Commission, that he will object to the loss of homestead exemptions through the State Tax Commission. **SEE EXHIBIT L.2.**

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the homestead requests as they were submitted by W. E. Davis. The **motion passed** by a unanimous vote.

### **3. Surplus Property Sale**

The Road Manager, Kenny Gunn presented a list of proposals from auction companies for the county auction. At the Road Manager's request, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to authorize Sprint Auction Co. to hold the sale on April 26, 1997. The **motion passed** by a unanimous vote. **SEE EXHIBIT L.3.**

### **4. Break-in at Central Maintenance**

The Road Manager, Kenny Gunn notified the Board of Supervisors that there was a break-in in Central Maintenance over the weekend. Mr. Gunn said the Sheriff's Department had investigated the break-in and Central Maintenance is making a list of missing equipment. There was no sign of forced entry.

Item L.5., Continued,

### **5. Veterans Memorial**

Supervisor John Caldwell notified the Board that he is getting information on a veterans memorial exhibit in the County. Supervisor Caldwell said he will report back to the Board later.

### **6. Litter Ordinance**

Supervisor John Caldwell said he will pass around a proposed litter ordinance to see if the Board agrees. Supervisor Tommy Lewis asked that important mail be mailed to him.

7. **Taping of Board Minutes**

Supervisor John Caldwell said he thinks the Board needs to tape board minutes for use when discrepancies occur in the Board minutes.

8. **Overlay - Starlanding from 51 to Getwell**

Supervisor Tommy Lewis said the County Engineer told him he had been instructed not to pave a section of Starlanding Road that will be straightened. The Board of Supervisors agreed that because it may be a long time before the road is straightened, this section of road should not be omitted.

Other patchwork was discussed.

M. **EXECUTIVE SESSION**

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to recess until Monday, February 24, 1997, at 9:00. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James D. Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

THIS the February 18, 1997, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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JOHN M. M. CALDWELL, President  
DeSoto County Board of Supervisors